

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1, 5, 6, and 8-11 have been amended. Claims 2-4 and 7 have been cancelled. Claims 1, 5, 6, and 8-11 are pending and under consideration.

I. Claim Objections

In the Office Action, at page 2, numbered paragraph 2, claim 6 was objected to due to an informality. As per the Examiner's suggestion, claim 6 has been amended in response to this objection. Withdrawal of this objection is respectfully requested and, thus, it is submitted that claim 6 is in a condition suitable for allowance.

II. Rejections under 35 U.S.C. § 112

In the Office Action, at page 2, numbered paragraphs 3-4, claim 6 was rejected under the second paragraph of 35 U.S.C. § 112 for lacking sufficient antecedent basis for the limitation "said location management table". Claim 6 depends from independent claim 1, which has been amended to recite "a location management table". Accordingly, withdrawal of the § 112 rejection is respectfully requested.

III. Rejections under 35 U.S.C. § 101

In the Office Action, at pages 2-3, numbered paragraphs 5-6, claim 9 was rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter because of the recited "program product" in the preamble. Claim 9 has been amended to recite a "computer readable storage embodying a method". Accordingly, withdrawal of the § 101 rejection is respectfully requested.

IV. Rejections under 35 U.S.C. § 102

In the Office Action, at pages 3-6, numbered paragraphs 7-8, claims 1, 9, and 10 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0196800 A1 of Padovani et al.

Padovani et al. does not discuss or suggest "an apparatus for a wireless base station for use in a wireless local area network (LAN) sharing one frequency channel" or "a predetermined length of time before the change to said third period of time, said transceiver which is enabled to transmit and receive RF signals starts detection of a transmitted RF signal in a corresponding sector, and broadcasts a packet indicative of disabling of transmission during said third period of

time and indicative of a length of said third period of time to wireless terminals in a corresponding sector, when said transceiver does not receive an RF signal,” as recited in amended independent claims 1, 9, and 10. In other words, the inventions of claims 1, 9, and 10 recite that wireless terminals for one or more sectors that are not adjacent to each other are disabled from transmission because the wireless LAN shares *only one* frequency channel for communication from a base station to the wireless terminals and for communication from the wireless terminals to the base station. Padovani et al. discloses a wireless CDMA data communication system in which even numbered signal beams are transmitted to only during even numbered transmission time slots, and odd numbered signal beams are transmitted to only during odd numbered transmission time slots, such that, during any given time slot, half of the sub-sector transmission beams will be de-activated. However, in Padovani et al., subscriber stations are not disabled from transmission, even in sub-sectors to which the base stations are disabled from transmission, because such a known wireless CDMA data communication system uses different frequency channels for communication from the base station to the subscriber stations and for communication from the subscriber stations to the base stations.

Therefore, Padovani et al. does not discuss or suggest “an apparatus for a wireless base station for use in a wireless local area network (LAN) sharing one frequency channel” or “a predetermined length of time before the change to said third period of time, said transceiver which is enabled to transmit and receive RF signals starts detection of a transmitted RF signal in a corresponding sector, and broadcasts a packet indicative of disabling of transmission during said third period of time and indicative of a length of said third period of time to wireless terminals in a corresponding sector, when said transceiver does not receive an RF signal,” as recited in amended independent claims 1, 9, and 10, so that claims 1, 9, and 10 patentably distinguish over Padovani et al. Accordingly, withdrawal of these § 102(e) rejections is respectfully requested.

V. Rejections under 35 U.S.C. § 103

In the Office Action, at pages 6-10, numbered paragraphs 9-10, claims 2, 3, 8, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Padovani et al. in view of U.S. Patent No. 5,295,153 to Gudmundson.

Claims 2-3 have been cancelled. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

Neither Padovani et al. nor Gudmundson discusses or suggests “said control unit allows said transceiver to receive a broadcast packet indicative of disabling of transmission during a

third period of time subsequent to said second period of time and indicative of a length of said third period of time, when said receiver does not transmit an RF signal, and disables said transceiver from transmission during said third period of time,” as recited in amended independent claim 8. The Examiner concedes that Padovani et al. does not disclose wherein the wireless terminal receives a packet containing a description representative of a length of time. Gudmundson, as relied on by the Examiner, discloses that the transmitter of a base station, before being turned off, transmits a message that tells the receiver that the transmission will be discontinued for a certain period of time, and the receiver of a mobile unit can use the rest of the time period to measure signal strengths of other signals on other frequencies (Gudmundson, col. 4, lines 1-16; col. 8, lines 44-53). However, in Gudmundson, such a message is not broadcast and the mobile unit *is not* disabled from transmission to the base station.

Further, there is no motivation to modify the apparatus of Padovani et al. with the communication system of Gudmundson without having to rely on the Applicant's own disclosure and, even if Padovani et al. were combined with Gudmundson, the invention of claim 8 would not result. Therefore, amended claim 8 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Likewise, neither Padovani et al. nor Gudmundson discusses or suggests “causing said transceiver to receive a broadcast packet indicative of disabling of transmission during a third period of time subsequent to said second period of time and indicative of a length of said third period of time, when said transceiver does not transmit an RF signal,” as recited in amended independent claim 11. Also, there is no motivation to modify the apparatus of Padovani et al. with the communication system of Gudmundson without having to rely on the Applicant's own disclosure and, even if Padovani et al. were combined with Gudmundson, the invention of claim 11 would not result. Therefore, amended claim 11 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

In the Office Action, at pages 10-11, numbered paragraph 11, claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Padovani et al. in view of U.S. Patent Application Publication No. 2003/0109265 A1 of Yamamoto et al.

Claim 4 has been cancelled. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

In the Office Action, at page 11, numbered paragraph 12, claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Padovani et al. in view of U.S. Patent No. 4,672,656 to Pfeiffer et al.

In the Office Action, at pages 11-12, numbered paragraph 13, claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Padovani et al. in view of Yamamoto et al., and in further view of U.S. Patent Application Publication No. 2004/0163024 of Kawai et al.

Claims 5-6 depend from and include all the features of amended independent claim 1, plus additional features that are not discussed or suggested by the references relied upon. As discussed above, Padovani et al. does not discuss or suggest "an apparatus for a wireless base station for use in a wireless local area network (LAN) sharing one frequency channel" or "a predetermined length of time before the change to said third period of time, said transceiver which is enabled to transmit and receive RF signals starts detection of a transmitted RF signal in a corresponding sector, and broadcasts a packet indicative of disabling of transmission during said third period of time and indicative of a length of said third period of time to wireless terminals in a corresponding sector, when said transceiver does not receive an RF signal," as recited in amended independent claim 1. Pfeiffer et al., Yamamoto et al., or Kawai et al., or any combination thereof, does not make up for the deficiencies in Padovani et al. Specifically, none of Pfeiffer et al., Yamamoto et al., or Kawai et al. discuss or suggest "an apparatus for a wireless base station for use in a wireless local area network (LAN) sharing one frequency channel" or "a predetermined length of time before the change to said third period of time, said transceiver which is enabled to transmit and receive RF signals starts detection of a transmitted RF signal in a corresponding sector, and broadcasts a packet indicative of disabling of transmission during said third period of time and indicative of a length of said third period of time to wireless terminals in a corresponding sector, when said transceiver does not receive an RF signal," as recited in amended independent claim 1. Therefore, claims 5-6 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

In the Office Action, at page 12, numbered paragraph 14, claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Padovani et al. in view of U.S. Patent Application Publication No. 2002/0132644 A1 of Mellor et al.

Claim 7 has been cancelled. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

CONCLUSION

In accordance with the foregoing, claims 1, 5, 6, and 8-11 have been amended. Claims 2-4 and 7 have been cancelled. Claims 1, 5, 6, and 8-11 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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